

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE HUMAN SERVICES COMMITTEE**

**Date:** Monday, February 16, 2009

**Time:** 3:00 pm

**Place:** Capitol

**Room:** 152

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 409

HB 453

HB 530

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 399 P

HB 399 postponed

HB 85 P

HJ 11 Tabled

**COMMENTS:**

Arlene Becker

REP. Arlene Becker, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**HUMAN SERVICES COMMITTEE**

DATE: 2/16/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Mary Caferro	X	
Rep. Pat Ingraham	X	
Rep. Bill Beck	X	
- Rep. Julie French	X	
Rep. Timothy Furey	X	
- Rep. David Howard	X	
Rep. Chuck Hunter	X	
Rep. Dave McAlpin	X	
Rep. Michael More	X	
Rep. Pat Noonan	X	
Rep. Ken Peterson	X	
Rep. Diane Sands	X	
Rep. Cary Smith	X	
Rep. Ron Stoker	X	
Rep. Jeffery Welborn	X	
Rep. Arlene Becker	X	



## HOUSE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 4

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 394** (first reading copy – white) **do pass as amended.**

Signed: \_\_\_\_\_

*Arlene Becker*  
Representative Arlene Becker, Chair

**And, that such amendments read:**

1. Page 1, line 22.

**Strike:** "7"

**Insert:** "6"

2. Page 1.

**Following:** line 23

**Insert:** "(1) "Device" means any instrument, apparatus, or contrivance intended:

(a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans; or

(b) to affect the structure or any function of the human body."

**Renumber:** subsequent subsections

3. Page 2.

**Following:** line 8

**Insert:** "(4) "Patient" means an individual who receives or has received health care.

(5) "Prescriber" means a medical practitioner, as defined in 37-2-101, licensed under the professional laws of this state to administer and prescribe medicine and drugs.

(6) "Prescription drug" means any drug that is required by federal law or regulation to be dispensed only by a prescription subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353).

**Committee Vote:**

**Yes 9, No 7**

Fiscal Note Required ☐

HB0394001SC.hjd

(7) "Prescription drug order" has the meaning provided in 37-7-101."

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "(3)"

**Insert:** "(a)"

5. Page 2.

**Following:** line 20

**Insert:** "(b) Nonmarketing purposes include but are not limited to:

(i) efforts by a health plan or benefits management program to ensure compliance with an independently established formulary based on evidence-based prescribing guidelines and cost containment goals;

(ii) educational or quality assurance programs designed for individuals covered by a health plan or benefits management program;

(iii) communication by a pharmacist about issues related to patient safety, generic substitution, or questions from a patient about a prescription drug; or

(iv) any communication about safety warnings, adverse event reporting, labeling changes, or compliance with federal risk evaluation and mitigation strategies."

6. Page 2, line 30.

**Strike:** "7"

**Insert:** "6"

7. Page 3, line 10.

**Strike:** "7"

**Insert:** "6"

8. Page 3, line 11.

**Strike:** "7"

**Insert:** "6"

**Strike:** "an administrative"

**Insert:** "a civil"

9. Page 3, line 12.

**Strike:** ", as assessed by the department"

10. Page 3.

**Following:** line 13

**Insert:** "(3) An agency that regulates, licenses, certifies, or registers a person who knowingly fails to comply with the requirements of [sections 1 through 7] may seek administrative relief as provided by law."

**Renumber:** subsequent subsection

11. Page 3, line 14.

**Strike:** "7"

**Insert:** "6"

12. Page 3, line 18 through line 19.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

13. Page 3, line 22.

**Strike:** "7"

**Insert:** "6"

14. Page 3, line 26.

**Strike:** "7"

**Insert:** "6"

15. Page 5, line 2.

**Strike:** "7"

**Insert:** "6"

16. Page 6, line 1.

**Strike:** "7"

**Insert:** "6"

17. Page 6, line 17.

**Strike:** "7"

**Insert:** "6"

18. Page 6, line 30.

**Strike:** "7"

**Insert:** "6"

19. Page 7, line 26.

**Strike:** "7"

**Insert:** "6"

20. Page 8, line 6.

**Strike:** "7"

**Insert:** "6"

21. Page 8, line 8.

**Strike:** "7"

**Insert:** "6"

22. Page 8, line 9.

**Strike:** "Title 37, chapter 7, part 4," and "Title 37, chapter 7,"

**Insert:** "Title 50, chapter 4," in two places

23. Page 8, line 10.

**Strike:** "7"

**Insert:** "6"

24. Page 8, line 16.

**Strike:** "10"

**Insert:** "9"

- END -



## HOUSE STANDING COMMITTEE REPORT

February 17, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 85** (first reading copy – white) **do pass as amended.**

Signed: \_\_\_\_\_

*Arlene Becker*  
Representative Arlene Becker, Chair

**And, that such amendments read:**

1. Title, page 1, line 7 through line 8.  
**Strike:** "PUBLIC" on line 7 through "SERVICES" on line 8  
**Insert:** "TRANSPORTATION"
2. Title, page 1, line 9.  
**Strike:** "CONSOLIDATING AND"
3. Title, page 1, line 10 through line 11.  
**Strike:** "REPEALING" on line 10 through "MCA;" on line 11
4. Page 2, lines 5 through 11.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsections
5. Page 2, line 13.  
**Strike:** "public health and human services"  
**Insert:** "transportation"  
**Strike:** "2-15-2201"  
**Insert:** "2-15-2501"
6. Page 2, line 22 through line 30.  
**Strike:** subsection (9) through subsection (12) in their entirety  
**Renumber:** subsequent subsections
7. Page 3, line 5 through line 9.  
**Strike:** subsection (14) in its entirety

**Committee Vote:**

**Yes 10, No 6**

Fiscal Note Required ☐

HB0085001SC.hjd

**Renumber:** subsequent subsections

8. Page 3, line 17 through page 4, line 10.

**Strike:** subsection (17) through subsection (25) in their entirety

**Renumber:** subsequent subsections

9. Page 5.

**Following:** line 15

**Insert:** "(a) one member of the department;"

**Renumber:** subsequent subsections

10. Page 5, line 16.

**Strike:** "department's"

**Insert:** "department of public health and human service's"

11. Page 5, line 18.

**Following:** "department"

**Insert:** "of public health and human services"

12. Page 8, line 27 through line 28.

**Strike:** section 12 in its entirety

**Renumber:** subsequent sections

13. Page 8, line 30.

**Strike:** "(1)"

**Strike:** "and 3"

14. Page 9, line 1.

**Following:** "part of"

**Strike:** "Title 50, chapter 6,"

**Insert:** "Title 61, chapter 2,"

**Following:** "provisions of"

**Strike:** "Title 50, chapter 6,"

**Insert:** "Title 61, chapter 2,"

15. Page 9, line 2.

**Strike:** "and 3"

16. Page 9, line 3 through line 4.

**Strike:** subsection (2) in its entirety

- END -

## COMMITTEE FILE COPY

### TABLED BILL

The HOUSE HUMAN SERVICES COMMITTEE TABLED HJ 11, by motion, on **Monday, February 16, 2009.**



(For the Committee)



(Chief Clerk of the House)

\_\_\_\_\_, 2/17  
(Time) (Date)

February 16, 2009

Santella Baglivo, Secretary

Phone: 4457

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**HUMAN SERVICES COMMITTEE**

DATE 2/16/09 BILL NO HB 85 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Do Pass as Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Mary Caferro	/		
Rep. Pat Ingraham		/	
Rep. Bill Beck		/	
Rep. Julie French	/		
Rep. Timothy Furey	/		
Rep. David Howard		/	/
Rep. Chuck Hunter	/		
Rep. Dave McAlpin	/		/
Rep. Michael More		/	
Rep. Pat Noonan	/		
Rep. Ken Peterson		/	
Rep. Cary Smith		/	
Rep. Diane Sands	/		
Rep. Ron Stoker	/		
Rep. Jeffery Welborn	/		
Rep. Arlene Becker	/		

10-6

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**HUMAN SERVICES COMMITTEE**

DATE 2/16/09 BILL NO HJ 11 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

DO PASS

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Mary Caferro	/		
Rep. Pat Ingraham		/	
Rep. Bill Beck		/	
Rep. Julie French	/		
Rep. Timothy Furey	/		
Rep. David Howard		/	/
Rep. Chuck Hunter	/		
Rep. Dave McAlpin	/		
Rep. Michael More		/	
Rep. Pat Noonan	/		
Rep. Ken Peterson		/	
Rep. Cary Smith		/	
Rep. Diane Sands	/		
Rep. Ron Stoker		/	
Rep. Jeffery Welborn		/	
Rep. Arlene Becker	/		

*Tabled*

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**HUMAN SERVICES COMMITTEE**

DATE 2/16/09 BILL NO HB394 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

Do Pass as Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Rep. Mary Caferro	/		
Rep. Pat Ingraham		/	
Rep. Bill Beck		/	
Rep. Julie French	/		
Rep. Timothy Furey	/		
Rep. David Howard		/	/
Rep. Chuck Hunter	/		
Rep. Dave McAlpin	/		
Rep. Michael More		/	
Rep. Pat Noonan	/		
Rep. Ken Peterson	/		
Rep. Cary Smith		/	
Rep. Diane Sands	/		
Rep. Ron Stoker		/	
Rep. Jeffery Welborn		/	
Rep. Arlene Becker	/		

9-7

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the Health & Human Services

Committee because of other commitments. I desire to leave my proxy vote with:

Vice Chair, G. Ingraham

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 85		✓
HJ 11		✓
HB 394		✓
3x Amended		

BILL/AMENDMENT

AYE NO


Rep. David Howard  
(Signature)

Date 2-16-09

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the Human Services

Committee because of other commitments. I desire to leave my proxy vote with:

Mary M. Caffery

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 85	#	
<del>HB 399</del>	<del>+</del>	<del></del>
<del>HB 4</del>		

BILL/AMENDMENT

AYE NO


Rep.

David L. McElroy  
(Signature)

Date

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**Montana House of Representatives  
Visitors Register**

**HUMAN SERVICES COMMITTEE**      Date 2/16

Bill No. HB 409      Sponsor(s) Rep Pomnichowski

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Armel Gmolyec	Billings Clinic	X		
Erin MacLean	MT Medical Assoc	X		
Ronald Klein	MT Broker Phcy			✓
Gloria Hernandez	Self	X		

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

